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Examiner: Joseph T. Woitach **Group:** 1632

Date: May 25, 2004

Client Code: 3028

Facsimile No.: 703-872-9306

From: Elizabeth W. Mata

Subject: Paper: Amendment After Final Rejection Under 37 C.F.R. § 1.116;
Petition for Extension of Time; Amendment Fee Letter

Docket No.: 3028.1000-000

Applicants: Guy A. Rouleau and Bernard Brais

Serial No.: 09/590,211

Filing Date: June 8, 2000

Number of pages including this cover sheet: 11

Please confirm receipt of facsimile: Yes No

Comments:

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May-25-04 08:57am From-HBSR

1-978-341-0242

T-773 P.02/11 F-641

EWM/kan

May 25, 2004

DOCKET NO. 3028.1000-000

Expedited Procedure under 37 C.F.R. 1.116

Examining Group 1632

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Guy A. Rouleau and Bernard Brais

Application No.: 09/590,211 Group: 1632

Filed: June 8, 2000 Examiner: J.T. Woitach

Confirmation No.: 9680

For: SHORT GCG EXPANSIONS IN THE PABII GENE FOR OCULOPHARYNGEAL MUSCULAR DYSTROPHY AND DIAGNOSTIC THEREOF

MAY 25 2004

OFFICIAL

| | |
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| CERTIFICATE OF FACSIMILE TRANSMISSION | |
| I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office: | |
| on <u>5/25/04</u> | Signature <u>Kane Norris</u> |
| _____ Kane Norris Typed or printed name of person signing certificate | |

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment After Final Rejection Under 37 C.F.R. § 1.116 for filing in the above-identified application.

- [] Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a Small Entity Statement previously submitted.
- [] A Small Entity Statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

The fee has been calculated as shown below:

| (COL. 1) | (COL. 2) | (COL. 3) | SMALL ENTITY | | OTHER THAN SMALL ENTITY | | |
|---|----------|---------------------------------|---------------|----------|-------------------------|---------|----------|
| CLAIMS REMAINING AFTER AMENDMENT | | HIGHEST NO. PREVIOUSLY PAID FOR | PRESENT EXTRA | | | | |
| TOTAL | 17 | MINUS | * 36 | 0 | | | |
| INDEP | | | | | | | |
| | 3 | MINUS | ** 8 | 0 | | | |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | | | | |
| | | | RATE | ADDT FEE | OR | RATE | ADDT FEE |
| | | | X \$ 9 | \$ 0 | | X \$18 | \$ 0 |
| | | | X \$43 | \$ 0 | | X \$86 | \$ 0 |
| | | | + \$145 | \$ 0 | | + \$290 | \$ 0 |

* not fewer than 20

** not fewer than 3

TOTAL = \$ 0

TOTAL = \$ 0

09/590,211

-2-

Please charge Deposit Account No. 08-0380 for the following fees:

| | |
|---|----------------|
| [X] Petition for four month Extension of Time | \$ <u>1480</u> |
| [] Amendment Fee | \$ _____ |
| [] Other Fees: | \$ _____ |
| | \$ _____ |
| | \$ _____ |
| | \$ _____ |
| TOTAL: | \$ <u>1480</u> |

A check is enclosed in payment of the following fees:

| | |
|--|-------------|
| [] Petition for [] month Extension of Time | \$ _____ |
| [] Amendment Fee | \$ _____ |
| [] Other Fees: | \$ _____ |
| | \$ _____ |
| | \$ _____ |
| | \$ _____ |
| TOTAL: | \$ <u>0</u> |

[X] A general authorization is hereby granted to charge Deposit Account No. 08-0380 for any fees required under 37 C.F.R. 1.16 and 1.17 in order to maintain pendency of this application. A copy of this authorization is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Elizabeth W. Mata
Elizabeth W. Mata
Registration No.: 38,236
Telephone (978) 341-0036
Facsimile (978) 341-0136

Concord, Massachusetts 01742-9133

Dated:

May 24, 2004

May-25-04 08:58am From-HBSR
@P:\Desktop\UJUMA\MMUDMA\HBSRUS\Manage;4\3323,1
EWM\kan
May 25, 2004

1-978-341-0242

T-773 P.06/11 F-641

PATENT APPLICATION
Attorney's Docket No.: 3028.1000-000
Expedited Procedure under 37 C.F.R. § 1.116
Examining Group 1632

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Guy A. Rouleau and Bernard Brais
Application No.: 09/590,211 Group: 1632
Filed: June 8, 2000 Examiner: J.T. Woitach
Confirmation No.: 9680
For: SHORT GCG EXPANSIONS IN THE PABII GENE FOR OCULOPHARYNGEAL
MUSCULAR DYSTROPHY AND DIAGNOSTIC THEREOF

MAY 25 2004
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| on <u>5/25/04</u> | Signature <u>Katie Norris</u> |
| Date | Signature |
| _____ Katie Norris _____ Typed or printed name of person signing certificate | |

AMENDMENT AFTER FINAL REJECTION UNDER 37 C.F.R. § 1.116

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Amendment After Final Rejection is being filed in response to the Final Office Action mailed from the U.S. Patent and Trademark Office on March 11, 2004 in the above-identified application.

The undersigned attorney petitions the Commissioner for Patents to extend the time for filing a Brief on Appeal pursuant to the Notice of Appeal received in the U.S. Patent and Trademark Office on December 12, 2003 for four months, from February 12, 2004 to June 12, 2004, under 37 C.F.R. § 1.136(a).

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Applicants' Attorney is not filing a Brief on Appeal at this time, but is filing an Amendment After Final herewith.

Please amend the application as follows: